

REMARKS

Claims 3-10 have been withdrawn from further consideration as being drawn to a nonelected species. Applicants note that claims 1 and 11-13 are generic, and if determined to be allowable the claims of the non-elected species must be examined. See M.P.E.P. 809.04

Claims 1, 2 and 11-13 are currently at issue.

Applicants have submitted herewith a proposed amendment to Fig. 4c, shown in red in the attached drawing sheet, to illustrate the subject matter recited in claim 13 of inserting a forming tool into one end of each of the plurality of tubes. Accordingly, the objection to the drawings should be withdrawn.

Claim 12 and 13 stand rejected under 35 U.S.C. §112, second paragraph, because the claimed subject matter of "the step of adapting one end of each of said tube . . . by inserting a forming tool into said one end of each of said plurality of tubes" is not shown in the drawings. In view of the proposed amendment to Fig. 4c, Applicants respectfully submit that this rejection should be withdrawn. Additionally, Applicants note that the quoted subject matter is not contained in claim 12. Accordingly, the original rejection of claim 12 appears to be improper.

Applicants respectfully traverse the rejection of claims 1-2, and 11 as unpatentable over Bengtsson 4,313,494 in view of Donaldson 3,265,126. The rejection appears to be based upon a misunderstanding of the claims and/or a mischaracterization of the cited references.

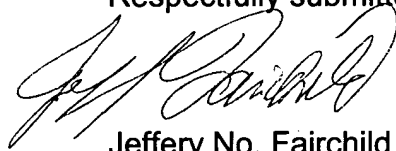
More specifically, independent claims 1 and 11 both recite a plurality of tubes, each having a pair of side walls joined by end walls at front and rear faces of a core, and a collecting tank having walls extending over the front and rear faces of the core past the bifurcation in the end walls of the tubes and joined in a fluid tight manner to the end walls of the tube along and beyond the bifurcation to form a fluid tight joint between the walls of the collecting tank and the end walls of the tubes. Bengtsson does not disclose a collecting tank that extends past a bifurcation in the ends of its tubes. Rather, Bengtsson discloses in Fig. 4 that the edges (17) of the collecting tank are received in the waved shaped ends of the tube plates (2, 3) to be welded to the edges (11) of the plates. Because Donaldson does not teach tubes having bifurcated ends, Donaldson adds nothing in this regard. Accordingly, Bengtsson and Donaldson together fail to show or suggest all the limitations of claims 1 and 11. The shortcomings of Bengtsson and Donaldson are highlighted by the Examiner's failure to acknowledge and address the above discussed subject matter in the rejection of claims 1 and 11. Accordingly, the rejections of claims 1 and 11 and their dependent claims is improper and should be withdrawn.

Furthermore, the rejection relies on Donaldson for its teaching of interleaved fins. To support the desirability of adding the fins of Donaldson to the corrugated, shaped plates of Bengtsson, the Examiner asserts that "it would of been obvious to one having ordinary skill in the art at the time of the invention was made to use Donaldson's teaching in the Bengtsson's radiator to enhance the heat transfer rate of the radiator." However, the Examiner has pointed to no factual basis in Bengtsson, Donaldson or any other prior art

reference to support the assertion that Bengtsson's radiator's heat transfer rate would be enhanced by the addition of Donaldson's fins. Absent such a disclosure, there is no support for the Examiner's assertion and rejection. Indeed, given the cross sections of the plates (2, 3) shown in Figs. 4-15 of Bengtsson, the fins of Donaldson do not appear to be at all compatible because the fins would have an extremely small fin height and would at best provide only intermittent point contact with each of the plates (2, 3) if interleaved there between. This does not appear to be an enhancement to the heat transfer performance of Bengtsson and there is nothing in Bengtsson and Donaldson to indicate that it would be enhancement. Absent the required suggestion in the prior art, the rejection under §103 is improper. See M.P.E.P. §2143 et seq. Accordingly, for this additional reason, the rejection of claims 1 and 11 and their dependent claims is improper and should be withdrawn.

In view of the foregoing, Applicants respectfully request reconsideration of the rejection of the drawings and the rejections of claims 1, 2 and 11-13.

Respectfully submitted,



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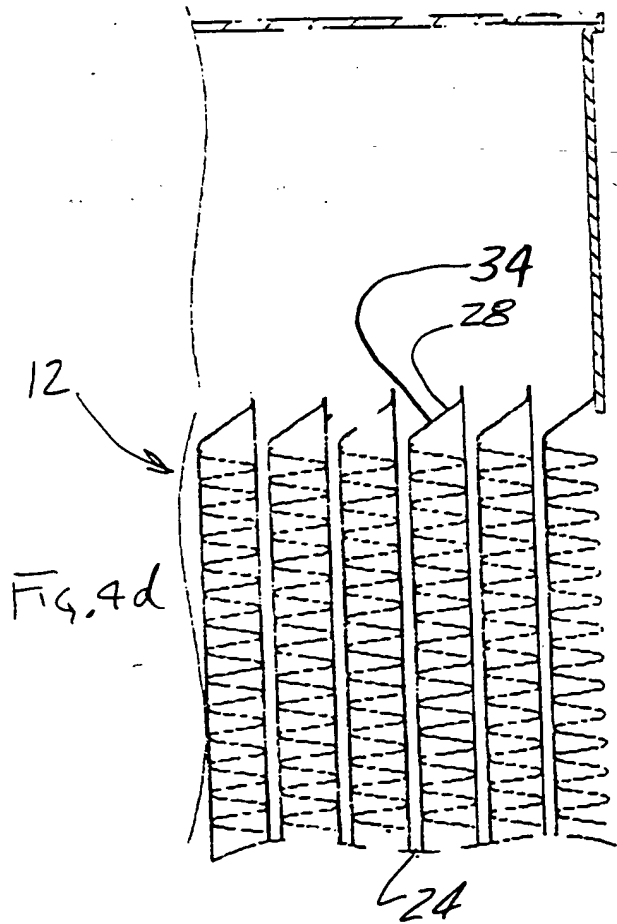
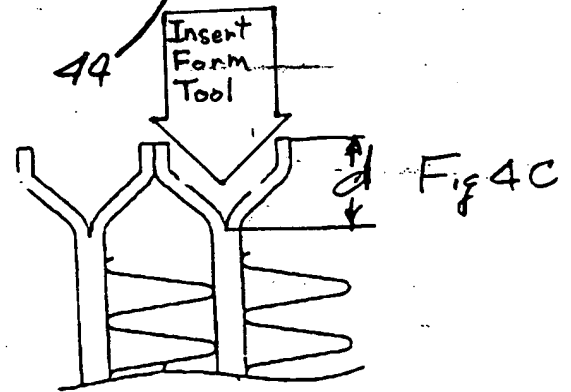
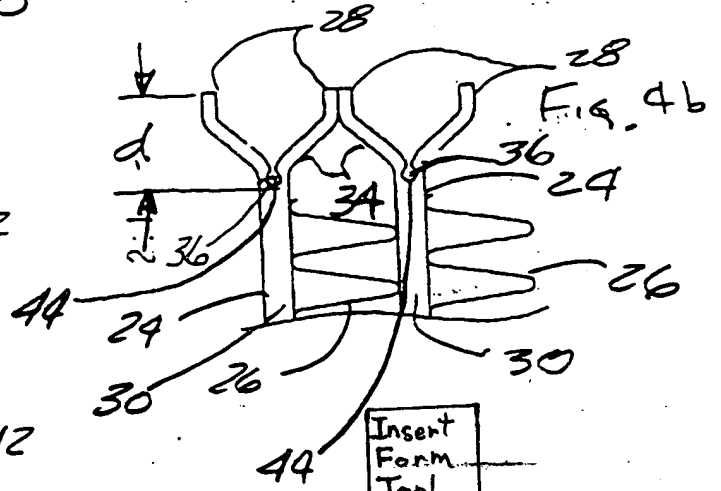
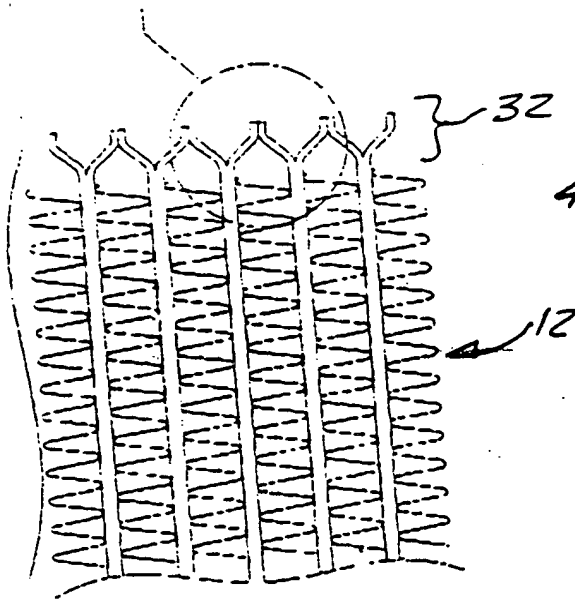
Title: "HEADER-LESS VEHICLE RADIATOR"

Inventor: Viktor Brost et al.

Docket No.: 655.00955

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FIG 4a



Title: "HEADER-LESS VEHICLE RADIATOR"

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FIG 4a

